

**IN THE UNITED STATES DISTRICT COURT
FOR DISTRICT OF DELAWARE**

BIOHAVEN THERAPEUTICS LTD., a
British Virgin Islands corporation, and
YALE UNIVERSITY, a Connecticut
corporation,

Plaintiffs,

v.

AVILAR THERAPEUTICS, INC., a
Delaware corporation, and RA CAPITAL
MANAGEMENT GP, LLC, a Delaware
corporation,

Defendants.

C.A. No. 1:23-cv-00328-JLH-CJB

AVILAR THERAPEUTICS, INC., a
Delaware corporation, and RA CAPITAL
MANAGEMENT GP, LLC, a Delaware
corporation,

Counterclaim-Plaintiffs,

v.

BIOHAVEN THERAPEUTICS LTD., a
British Virgin Islands corporation, and
YALE UNIVERSITY, a Connecticut
corporation,

Counterclaim-Defendants.

DEFENDANTS' NOTICE OF SUPPLEMENTAL AUTHORITY

As supplemental authority in support of Defendants' pending letter briefing regarding certain discovery disputes (D.I. 190; D.I. 216), Defendants Avilar Therapeutics, Inc. and RA Capital Management GP, LLC respectfully notify the

Court of two recent decisions by the Court of Appeals for the Federal Circuit regarding trade secret identification.

The first, *Insulet Corp. v. EOFlow, Co.*, No. 2024-1137, ___ F.4th ___, 2024 WL 3016208, at *3-5 (Fed. Cir. June 17, 2024), is relevant because it addresses the DTSA’s definition of both “trade secrets” and “misappropriation.” It discusses the requirement “inherent” in the DTSA’s definition of misappropriation that there is a trade secret “identif[ied] ... with sufficient particularity” to be misappropriated. *Id.* at *5.

The second, *Alifax Holding Spa v. Alcor Scientific LLC*, No. 2022-1641, 2022-1723, 2024 WL 2932910, at *4-5 (Fed. Cir. June 11, 2024), is relevant because it addresses a plaintiff’s failure to “to establish the existence and scope of the alleged ... trade secret.”

Dated: June 27, 2024

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